

Attorney Docket No. 2030.78
Customer No. 000027683

Remarks/Arguments

Reconsideration of this application in light of the amendments above and the following remarks is requested.

This supplemental amendment is submitted in response to four interviews, as described below.

The first of these interviews was conducted between Supervisory Examiner Banks and Applicant's attorney on November 24, 2004. Supervisory Examiner Banks scheduled a second interview to be held after Supervisory Examiner Banks and Examiner Francis had time to discuss the present application.

The second interview was conducted between Supervisory Examiner Banks, Examiner Francis, and Applicant's attorney on November 24, 2004, later in the day. Examiner Francis and Supervisory Examiner Banks indicated during the second interview that the currently pending rejections of claims 1-11 in view of the Rehkemper, Gray and Edmisson references (of record) would be withdrawn, and that a supplemental office action would be issued. Moreover, because the supplemental office action would regard examination in view of newly-identified U.S. Patent Application No. 2003-0073377 A1 ("Mataja"), among other references, and because the Mataja reference was not presently of record, Examiner Francis and Supervisory Examiner Banks indicated that the supplemental office action would not be a final office action.

The third interview was conducted between Examiner Francis and Applicant's attorney on November 24, 2004, later in the day. During the third interview, it was decided that supplemental claim amendments would be prepared by Applicant's attorney and submitted to Examiner Francis by email, and that Examiner Francis would consider these supplemental claim amendments during further examination pursuant to the discovery by Examiner Francis of the Mataja reference.

Applicant's attorney subsequently provided the supplemental claim amendments to Examiner Francis and Supervisory Examiner Banks, pursuant to the agreement arrived at during the third interview. The supplemental amendments were delivered to Examiner Francis and

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Supervisory Examiner Banks by email on November 29, 2004, at 5:28 PM (local), as shown in documents submitted herewith.

Concerned about not having received the supplemental non-final office action described above, Applicant's attorney contacted Examiner Francis on December 22, 2004, by telephone, to inquire as to the status of the case. Consequently, a fourth interview was conducted between Examiner Francis and Applicant's attorney on December 22, 2004, during which time Examiner Francis indicated that the new claims had been at least preliminarily examined, and that at least some of the new claims were likely allowable. Examiner Francis asked that the new claims be resubmitted by facsimile, so that the new claims would officially be "of-record" and the prosecution could proceed, whereby Examiner Francis and Supervisory Examiner Banks would review the new claims once more. The present paper is the resubmittal by facsimile requested by Examiner Francis during the fourth interview on December 22, 2004.

In the present response, it is proposed that currently pending claims 1-11 be cancelled without prejudice or disclaimer, and that new claims 12-31 be added. Thus, should the present amendments be entered, claims 12-31 would be pending in the present application for continued examination.

Rejections Under 35 U.S.C. § 103

Several claims were previously rejected under 35 U.S.C. §103(a) as being unpatentable over Rehkemper in view of Gray and Edmisson. However, the rejected claims have now been cancelled without prejudice or disclaimer.

Moreover, Applicant believes new claims 12-31 are allowable in view of all references of record, including for reasons discussed during the first, second and third interviews described above. A formal notice of allowance of claims 12-31 is therefore requested.

A fee for a one-month extension of time is believed necessary for consideration of the present paper. The Commissioner is hereby authorized to charge such fee to Haynes and Boone, LLP's Deposit Account No. 08-1394.

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Moreover, if any other fees are necessary, including additional extension of time fees, such fees and/or extension of time is hereby requested, and the Commissioner is hereby authorized to charge such fees, including those for extensions of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

Respectfully submitted,



Dave R. Hoffman
Registration No. 55,272

Dated: 12/22/04

HAYNES AND BOONE, LLP
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File: 2030.78

R-94533.1

<p align="center">CERTIFICATE OF FACSIMILE TRANSMISSION</p> <p>I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.</p> <p>Facsimile No.: <u>703-872-9306</u></p> <p>Date: <u>12-22-04</u></p> <p><u>Bonnie Boyle</u> Bonnie R. Boyle</p>

ATTACHMENTS:

- "SUPPLEMENTAL AMENDMENT IN RESPONSE TO EXAMINER INTERVIEWS," originally transmitted via email on November 29, 2004 (9 pages).
- Printout of email from Applicant's attorney to Examiner Francis on November 29, 2004, at 5:27 PM, transmitting the supplemental amendment as an attachment (1 page).
- Printout of email system confirmation of delivery of email to Examiner Francis, indicating delivery on November 29, 2004, at 5:28 PM (1 page).

Hofman, Dave

From: System Administrator
To: Francis, Faye; Banks, Derris
Sent: Monday, November 29, 2004 5:28 PM
Subject: Delivered: SN 10/720,561 Toy Car Kit Supplemental Amendment

Your message

To: Frands, Faye
Cc: Banks, Derris
Subject: SN 10/720,561 Toy Car Kit Supplemental Amendment
Sent: 11/29/2004 5:27 PM

was delivered to the following recipient(s):

Frands, Faye on 11/29/2004 5:28 PM
Banks, Derris on 11/29/2004 5:28 PM

outbind://50-00000000CB1A24C79E2DBD41A9535B792C34C82A070056B243631F8203478E069D...

Hofman, Dave

From: Hofman, Dave
Sent: Monday, November 29, 2004 5:27 PM
To: 'faye.francis@uspto.gov'
Cc: 'derris.banks@uspto.gov'
Subject: SN 10/720,581 Toy Car Kit Supplemental
Sensitivity: Confidential
PRIVILEGED AND CONFIDENTIAL

Examiner Francis,

Pursuant to our interviews last Wednesday, please find attached proposed claim amendments for the above-captioned application. Please "Reply" to this email so that I will have such acknowledgement for my records.

Thank you once again for all of your assistance with this application.

Dave Hofman
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11/29/2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Hui, Wai	§	Confirmation No.: 5726
	§	
Serial No.: 10/720,561	§	Group Art Unit: 3712
	§	
Filed: November 24, 2003	§	Examiner: Francis, Faye
	§	
For: TOY CAR KIT	§	

SUPPLEMENTAL AMENDMENT IN RESPONSE TO EXAMINER INTERVIEWS

TRANSMITTED VIA EMAIL ON NOVEMBER 29, 2004.

In response to the interviews of November 24, 2004, between Supervisory Examiner Banks, Examiner Francis, and Applicant's attorney, proposed amendments to the above-identified application are as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

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Listing of Claims

It is proposed that this listing of claims will replace all prior versions, and listings, of claims in the application:

Claims 1-11 (cancelled).

12. (New) A kit, comprising:

a plurality of unassembled components of a radio-controlled toy car, the plurality of unassembled radio-controlled toy car components including:

a chassis including a pair of wheels attached to the chassis;

a motor configured to be removably inserted into the chassis;

a pair of hubcaps each configured to be detachably coupled to one of the pair of wheels and including a hubcap removal feature; and

a pair of tires each configured to be detachably coupled to one of the pair of wheels to which one of the pair of hubcaps is coupled, thereby at least partially concealing the hubcap removal feature of the one of the pair of hubcaps; and

a controller configured to wirelessly control operation of the radio-controlled toy car when the plurality of unassembled radio-controlled toy car components are assembled to form the radio-controlled toy car.

13. (New) The kit of claim 12 wherein the pairs of wheels, hubcaps and tires are first pairs of wheels, hubcaps and tires, respectively, and wherein the plurality of unassembled radio-controlled toy car components further comprises:

an axle configured to be detachably and rotatably coupled to the chassis, the axle including a second pair of wheels fixedly attached to the axle;

a second pair of hubcaps each configured to be detachably coupled to one of the second pair of wheels and including the hubcap removal feature; and

a second pair of tires each configured to be detachably coupled to one of the second pair

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of wheels to which one of the second pair of hubcaps is coupled, thereby at least partially concealing the hubcap removal feature of the one of the second pair of hubcaps.

14. (New) The kit of claim 13 wherein

each of the first and second pairs of wheels includes a boss configured to be received by a first bore extending through a corresponding one of the first and second pairs of hubcaps;

each of the first pair of wheels includes a second bore extending through the boss;

each of the first pair of wheels is substantially permanently attached to the chassis by a riveted shaft extending through the second bore to a suspension component coupled to the chassis; and

each of the first pair of wheels is rotatable on the corresponding riveted shaft.

15. (New) The kit of claim 14 wherein:

each the first and second pairs of hubcaps is one of a plurality of substantially identical hubcaps each configured to be detachably coupled to any of the first and second pairs of wheels; and

each the first and second pairs of tires is one of a plurality of substantially identical tires each configured to be detachably coupled to any of the first and second pairs of wheels and, thereby, conceal a corresponding hubcap removal feature.

16. (New) The kit of claim 13 wherein:

the axle further includes an axle gear attached to the axle;

the motor includes a drive gear attached to the motor; and

the plurality of unassembled radio-controlled toy car components further comprises a transfer gear configured to be detachably and rotatably coupled to the chassis and, thereby, operably couple the drive gear and the axle gear.

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17. (New) The kit of claim 12 wherein the plurality of unassembled radio-controlled toy car components further comprises a motor retaining clip configured to be detachably coupled to the chassis to retain the motor in the chassis when the motor is inserted into the chassis and the motor retaining clip is detachably coupled to the chassis.

18. (New) The kit of claim 12 wherein the plurality of unassembled radio-controlled toy car components further comprises a body configured to be detachably coupled to the chassis.

19. (New) The kit of claim 12 wherein the controller includes an interface configured to physically and detachably couple the controller and the chassis.

20. (New) The kit of claim 12 wherein the controller is substantially larger in at least one dimension relative to a length of the radio-controlled toy car.

21. (New) The kit of claim 12 further comprising a housing in which each of the plurality of unassembled radio-controlled toy car components is removably disposed.

22. (New) The kit of claim 12 further comprising a housing having a plurality of compartments each configured to contain at least one of the plurality of unassembled radio-controlled toy car components, wherein each of the plurality of unassembled radio-controlled toy car components is contained within one of the plurality of compartments.

23. (New) The kit of claim 12 wherein:
each of the pair of wheels includes a plurality of openings; and
each of the pair of hubcaps includes a plurality of protrusions each configured to detachably engage one of the plurality of openings.

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24. (New) The kit of claim 12 wherein:
each of the pair of wheels includes at least three bores each extending therethrough; and
each of the pair of hubcaps includes at least three cylindrical bosses extending therefrom;
wherein the bores and cylindrical bosses are collectively configured to cooperate to
removably attach the pair of hubcaps to the pair of wheels.

25. (New) The kit of claim 12 wherein:
the hubcap removal feature of each of the pair of hubcaps includes a radially extending
tab; and
each of the pair of wheels includes a raised perimeter having a slot configured to receive
the radially extending tab of one of the pair of hubcaps.

26. (New) The kit of claim 25 wherein the radially extending tab is accessible detach the
hubcap from the wheel without the use of tools when the corresponding tire is at least partially
decoupled from the wheel.

27. (New) The kit of claim 12 wherein each of the pair of hubcaps includes a
substantially concentric bore extending therethrough and configured to receive a hub extending
from one of the pair of wheels.

28. (New) The kit of claim 12 wherein an inner surface of each of the pair of tires
includes a channeled groove configured to detachably receive a first portion of a perimeter of one
of the pair of wheels, wherein the first perimeter portion has a first diameter that is larger than a
second diameter of a second portion of the perimeter, and whereby each of the pair of tires is
configured to be coupled to and detached from one of the pair of wheels without the use of tools.

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29. (New) A kit, comprising:

a housing;

a plurality of components disposed in the housing and including:

a radio-controlled toy car chassis subassembly including a pair of front wheels attached to a chassis;

a radio-controlled toy car motor subassembly including a drive gear attached to a motor, wherein the motor is configured to be removably installed in a compartment of the chassis;

a motor retaining clip configured to be removably attached to the chassis to secure the motor subassembly in the chassis compartment;

a transfer gear configured to be removably attached to the chassis, the transfer gear further configured to mesh with the drive gear when the motor subassembly is removably installed in the chassis compartment and the transfer gear is removably attached to the chassis;

an axle subassembly including:

an axle configured to be removably and rotatably attached to the chassis;

a pair of rear wheels fixedly attached to the axle; and

an axle gear fixedly attached to the axle and configured to mesh with the transfer gear;

a plurality of hubcaps each configured to be removably attached to one of the pairs of front and rear wheels;

a plurality of tires each configured to be removably attached to one of the pairs of front and rear wheels;

a body configured to be removably attached to the chassis; and

a controller configured to control a radio-controlled toy car by radio signals, the radio-controlled toy car including the radio-controlled toy car chassis subassembly, the radio-controlled toy car motor subassembly, the motor retaining clip, the transfer gear, the axle subassembly, the plurality of hubcaps, the plurality of tires, and the body, wherein the

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controller is substantially larger in at least one dimension relative to a length of the radio-controlled toy car.

30. (New) A kit, comprising:

a radio-controlled toy car wheel;

a hubcap removably attachable to the wheel and including a hubcap removal feature; and

a tire detachably couplable to the wheel, wherein:

the tire conceals the hubcap removal feature when the tire is coupled to the wheel;

and

the hubcap removal feature is accessible to detach the hubcap from the wheel when the tire is decoupled from the wheel.

31. (New) The kit of claim 30 wherein:

the hubcap removal feature includes a radially extending tab;

the wheel includes a partial rim defining an opening configured to receive the radially extending tab;

the tire conceals the partial rim and the radially extending tab received by the partial rim opening when the tire is coupled to the wheel; and

the radially extending tab is accessible to remove the hubcap from the wheel when the tire is not coupled to the wheel.

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Examiner Francis and Supervisory Examiner Banks indicated during the second interview that the currently pending rejections of claims 1-11 in view of the Rehkemper, Gray and Edmisson references (of record) would be withdrawn, and that a supplemental office action would be issued. Moreover, because the supplemental office action would regard examination in view of the Mataja reference, among other references, and because the Mataja reference is not presently of record, Examiner Francis and Supervisory Examiner Banks indicated that the supplemental office action would not be a final office action.

In the present supplemental response, it is proposed that currently pending claims 1-11 be cancelled without prejudice or disclaimer, and that new claims 12-31 be added. Thus, should the present amendments be entered, claims 12-31 would be pending in the present application for continued examination.

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Conclusion

It is believed that claims 12-31 are in condition for allowance. Consequently, an early formal notice of allowance of claims 12-31 is respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any aspect of the present application.

Respectfully submitted,

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